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Attorney for Defendant Kevin Kjonaas

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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UNITED STATES OF AMERICA,	:	Honorable Mary L. Cooper, U.S.D.J.
	:	
Plaintiff,	:	CRIMINAL NO. 04-373
	:	
v.	:	
	:	NOTICE OF MOTION
STOP HUNTINGDON ANIMAL	:	
CRUELTY USA, INC.,	:	FOR EVIDENTIARY HEARING
KEVIN KJONAAS, a/k/a	:	RELATING TO SUPPRESSION,
"Kevin Jonas," a/k/a "Steve	:	
Shore," a/k/a/ "Jim Fareer,"	:	AND
LAUREN GAZZOLA,	:	
a/k/a "Angela Jackson," a/k/a	:	FOR SUPPRESSION OF EVIDENCE
"Danielle Matthews,"	:	OBTAINED BY (1) INTERCEPTION OF
JACOB CONROY,	:	WIRE COMMUNICATIONS, (2)
JOSHUA HARPER,	:	INTERCEPTION OF ELECTRONIC
ANDREW STEPANIAN,	:	COMMUNICATIONS, AND (3)
DARIUS FULLMER, and	:	SEARCH OF 101 HOME STREET,
JOHN McGEE,	:	SOMERSET, NJ
	:	
Defendants.	:	
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To: Clerk of the Court
United States District Court, D.N.J.
Clarkson S. Fisher Federal Building and U.S. Courthouse
402 E. State Street, 5th Floor
Trenton, NJ 08608

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Assistant United States Attorney Ricardo Solano
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PLEASE TAKE NOTICE that, on April 15, 2005, at 10 a.m. or as soon thereafter as counsel may be heard, counsel for Defendant Kevin Kjonaas shall move before the Honorable Mary L. Cooper, U.S.D.J., at the United States Court House, at 402 E. State Street, 5th Floor, Trenton, NJ 08608, for an evidentiary hearing, pursuant to Franks v. Delaware, 438 U.S. 154 (1978), on alleged misstatements and omissions of fact in the affidavits submitted by the Government in support of its applications for wiretaps, electronic intercepts, and search warrant of defendants' residence at 101 Home Street in Somerset, NJ. Mr. Kjonaas moves the Court to order suppressed all evidence obtained by means of the wiretaps, electronic intercepts, and home search, on the basis that the remaining content of the applications and affidavits (when reviewed without the misstatements and with the omissions appropriately weighed) was insufficient to establish probable cause for commission of the offenses upon which the applications were based.

This motion is made pursuant to Franks v. Delaware and its progeny, as well as the Fourth Amendment to the U.S. Constitution, and 18 U.S.C. §§ 2515, 2516, and 2518.

In support of the Motion, Defendant Kjonaas will rely on the memorandum of law and the Certification of Isabel McGinty (submitted electronically with this Notice), the separate volume of referenced exhibits (filed under seal), and on argument of counsel at the hearing on the motion. Pursuant to the Notice of the New Judicial Conference Policy on Privacy and Public Access to Electronic Criminal Case Files, dated Oct. 7,

2004 (D.N.J.), and the E-Government Act of 2002 cited therein, the volume of exhibits relating to this motion is filed under seal and not electronically.

Respectfully submitted,

/s/

ISABEL McGINTY, P.C.
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Attorney for Defendant Kevin Kjonaas

Dated: March 11, 2005